

## REMARKS

### The Rejection over Perronin:

In the Office Action dated April 22, 2004 ("OA"), the Examiner has rejected pending claims 1, 3-10, 21-23, and 31-34 under 35 USC §102 (b) as anticipated by Perronin et al. The examiner states that (OA, page 2):

Perronin discloses the preparation of pigmentary particles coated with an organic polymer. Perronin discusses the importance of pigments in many fields such as cosmetics. Note column 1, lines 10-12. Example 13 provides a composition with 278 parts [of] a pigment, 350 parts heptane, 27 parts methyl methacrylate, and 7 parts acrylic acid. The methacrylate-acrylic acid copolymer is 80-20.

The Examiner further notes that the preamble language "nail enamel composition" does not hold since it does not denote any structural limitation.

Further, in responding to previous arguments by Applicants, the Examiner first concedes that Perronin does not teach 1) a composition capable of forming a film on the nail, 2) a composition with instant glass transition temperature, and 3) instant 2 to 29% of a polar monomer and 3) a composition with the intended use of the solvent. However, it is the Examiner's view that the phrase "capable of forming a film" in the body of the claim is also viewed as an intended use phrase, and if the prior art (when referring to Perronin) and the instant invention have the similar compositions, then it is said that the prior art is capable of forming said use, so the burden then shifts to Applicants to demonstrate otherwise. Second, the Examiner contends that the since the copolymer is the same and it is in the same range as Applicant, then it would inherently have the same glass transition temperature; and Applicants' claims recite that the polymer has a glass transition temperature of 5 to 90 degrees Celsius and not the entire composition as argument by Applicant. The Examiner notes that she relies on Example 13 of

Perronin in making this rejection, further noting that the polar monomer range of Applicants' claims is found in that Example.

Applicants respectfully disagree. M.P.E.P. §2111.02 states that any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. Corning Glass Works vs. Sumitoto Electric U.S.A., Inc., 868 F.2d 1251, 1257, 9 U.S.P.Q. 2d 1962, 1966 (Fed. Cir. 1989). In order to determine whether a limitation is "structural" one refers to the entirety of the application "to gain an understanding of what the inventors actually invented and intended to encompass by the claim". Applicants note that throughout their specification it is only nail enamel that is discussed. No where does their specification speak of any other type of cosmetic or industrial composition. Rather, it is nail enamel that is the crux of the invention. There are a myriad of examples of granted U.S. patents where the preamble phrase "nail enamel composition" is construed as a structural limitation. For example, claim 1 of U.S. Patent No. 5,772,988 is directed to a *nail enamel composition* comprising 10-95% solvent, and 5-90% of a film forming polymer comprised of monomer units A, B, and C. In that patent, the phrase *nail enamel composition* in the preamble was considered a limitation, even in view of U.S. Patent No. 3,721,555, cited as prior art, which disclosed essentially the same polymers. Another example is U.S. Patent No. 5,792,447, directed to a human *nail enamel composition* comprising a film forming polymer a solvent, and a plasticizer of a certain structure as defined in the claim. Another example is U.S. Patent No. 4,283,324, directed to nitrocellulose-free nail enamel composition comprising a polyvinyl butyral resin, an aryl-sulfonamide-formaldehyde resin, and a compatible solvent; said solvent being the major constituent of the composition...another example where the preamble was construed as a claim limitation. It is Applicants' position that the preamble of their claims contains a structural limitation that must be

considered, particularly in view of the specification, which is unequivocally directed to nail enamel compositions.

However, to further distinguish the claims from Perronin, and in particular, Example 3 of Perronin upon which the Examiner relies in making the rejection under 35 U.S.C. §102(b), Applicants amend the claims to specify that the nail enamel compositions are "anhydrous". Accordingly claim 1, claims 3-10, 21-23, which depend from claim 1, now specify that the nail enamel composition is "anhydrous". Claims 31 and 33 have also been amended to specify that the compositions are anhydrous. As the formula of Example 13 contains an appreciable amount of water, that teaching cannot anticipate amended claims 1, 3-10, 21-23, 31 and 33.

Anticipation requires the disclosure, in a single prior art reference, of each element of the claim under consideration. W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Here, claim 1 is directed to an *anhydrous* nail enamel composition comprising 10-95% by weight of a solvent, and 5-95% by weight of a specified polymer that is *capable of forming a film on the nail*.

With respect to the Examiner's point 2), just because the polymer of Perronin's Example 13 contains the same monomers does not necessarily mean that the glass transition temperature is inherently the same. When considering the composition of Example 13, it does not contain any polymers at all because the composition set forth is prior to polymerization. Accordingly, the methyl methacrylate and acrylic acid present in the Example 13 composition are in monomeric form and, accordingly, have no glass transition temperature at all. When the Example 13 composition is polymerized according to the procedure of Example 1 of Perronin, the result is a pigmented paste having 75% copper phthalocyanine pigment and 25% of a copolymer having 80 parts methyl methacrylate and 20 parts butyl methacrylate, and not the solvent of Applicants'

claims. Further, the Example 13 composition contains an appreciable amount of water, and as such, is not the anhydrous composition set forth in Applicants' claims. Accordingly, Example 13 does not teach a composition that contains a polymer at all, much less one having a glass transition temperature with Applicants' claimed range. The copolymer that is the result of polymerization of the aqueous based composition of Perronin's Example 13 is only found in the form of a pigment paste obtained after the solvent is completely evaporated off. Applicants further note that with respect claim 4, none of the particulate solvents recited are heptane, so Perronin cannot anticipate that claim.

The name of a polymer is just that, a general indication of what monomers are found in the polymer. What the name doesn't convey is the degree of polymerization of the polymer either in its entirety, or the degree of polymerization for each of the monomers that it comprises. For example, the term "polyethylene" means a homopolymer of ethylene. However, ethylene has a very wide range of glass transition temperatures depending on the degree of polymerization, or in other words, the number of ethylene units polymerized to make the polymer.

With respect to the Examiner's argument about point 3), first occurrence, Perronin Example 13 contains 7 parts of acrylic acid in monomeric form, before the entire composition is subjected to polymerization. For the same reasons as discussed above, with respect to the glass transition temperature, Example 13 does not teach a copolymer but rather a composition containing monomers, solvents, and photoinitiators prior to polymerization.

Finally, with respect to the Examiner's point 3), second occurrence, while Example 13 of Perronin teaches a solvent containing composition with monomers, pigment, and photoinitiator, prior to polymerization, the composition achieved after polymerization of the monomers is in

paste form and appears to contain no solvent at all. Thus, the only solvent containing composition is the composition of Example 13 prior to polymerization, which also contains a fairly large percentage of water and is not anhydrous. While the pigment paste that results after polymerization may arguably be anhydrous, any solvent that was present has been apparently evaporated off. Even so, the solvents that may remain are not the same solvents are recited in claim 4.

Further, the product described by Perronin differs materially from the product of the present claims in another material respect. Column 2, lines 28-46 of Perronin reads in pertinent part:

According to the present invention therefore a process is provided for the preparation of pigmentary compositions which comprises coating the particles of pigments by means of a polymer or copolymer, by covering by the polymerization or copolymerization *in situ* . . . wherein the reaction is effected in a medium comprising at least one organic solvent in which the monomer is soluble, and in the presence of at least one catalyst soluble in the medium, the monomer and the proportion thereof, being selected so that the polymer or copolymer formed is insoluble in the organic solvent used.

This portion of Perronin makes clear that the nature of the composition being formed is significantly from the invention of the pending claims. Initially, Perronin is seeking to coat the pigment particles with the copolymer of the composition. The amount of coating on the pigment particles is substantial. In Example 13, which is relied upon by the Examiner in making her rejection, the amount of pigment present (copper phthalocyanine) is about  $.36 \times 278 = 100$  parts and the amount of polymer present after polymerization being theoretically  $27 + 7 = 34$  parts (actually 27 parts according to Perronin). That means that when the polymerization process has been completed and the polymer is polymerized on the pigment surfaces, the composition will contain, roughly, about 25% polymer and 75% pigment, where the polymer comprises about 20% acrylic acid and 80% methyl methacrylate. In the cosmetics industry, coating this amount

of polymer on a pigment is almost unheard of. For one thing, the color of the pigment would likely be nearly obscured by such a thick coating of polymer. In cosmetic compositions, the whole point is to make compositions that are colored, so the methods of Perronin would not serve that purpose at all.

In addition, Applicants note that the Examiner's conclusion that Perronin's composition is used in the cosmetic field does not find basis in the reference itself. The portion of the reference cited by the Examiner at column 1, line 12 reads:

The use of pigments, that is dyes insoluble in any medium, is much in demand in fields of application as varied as plastics, inks, textiles, paints, and cosmetics, to mention only the principle of these.

Here, Perronin et al. are describing the various fields that pigments and dyes are known to be used. The reference stops short of ever stating that the compositions described and disclosed, and which form the basis of the Examiner's rejection, are useful in the cosmetic field.

Note for example the disclosure at column 4, lines 51-55 which states:

They may be advantageously used in numerous fields of application, such as the pigmentation of collodions for spinning, inks, plastics materials, pints, creams or other coloured preparations.

None of these applications would readily suggest the use of such a composition in a cosmetic and particularly not in a nail enamel composition as presently claimed. Further, for the reasons discussed above, the Perronin pigments would likely be unsuitable for use in cosmetics because of the large amount of polymer used to coat the pigment surface. Such a large portion of the particulate would then be a polymer rather than colorant, that the colorant properties of the coated pigment would be questionable.

Thus, as to amended claim 1, 3-10, 21-23, and 31-34, Perronin fails to teach or describe each and every element of the claimed composition. The amended claims specify an anhydrous

composition and Example 13, relied upon by the Examiner contains appreciable levels of water. Further, Example 13 teaches a composition containing solvents, monomers, pigment, and photoinitiators, all prior to polymerization. Accordingly, the monomers present do not have any glass transition temperature because they are not polymerized.

Thus, with regard to these claims, Perronin fails to disclose every limitation present in the claims. Therefore Perronin cannot reasonably be said to anticipate the claimed invention within the meaning of 35 U.S.C. §102(b).

In view of these arguments, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the mentioned claims as unpatentable over Perronin.

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**The Rejection Over Bednarek:**

The Examiner has rejected claims 1-14, 21-26, and 33-34 under 35 U.S.C. §102(e) as unpatentable over Bednarek.

As previously noted, Bednarek, U.S. 6,254,878 issued July 3, 2001 and has a filing date, and therefore an effective date under 35 U.S.C. §102(e), of July 1, 1999. Applicants further note that the present application was filed April 26, 2001, with claimed benefit under 35 U.S.C. §120 of the filing date of Provisional Application 60/202,106 filed May 4, 2000. Thus, the effective filing date of the present application is May 4, 2000, which is less than 1 year after the effective date of Bednarek.

In the prior response, Applicants submitted a Declaration under 37 C.F.R. §1.131. In this OA, the Examiner specifically rejects the "Affidavit filed January 29, 2004 under 37 C.F.R. §1.131", stating that it is insufficient to overcome Bednarek because it does not demonstrate that each inventor had the teaching prior to the cited reference; specifically it does not teach a nail

enamel composition having the Applicants' range and ingredients as contrasted with the same ranges and ingredients that the Examiner relies upon to make the anticipatory rejection.

Applicants respectfully disagree. The lab notebook page enclosed with the Declaration under 37 C.F.R. §1.131 shows formulas (1) and (2). Formula 2 contains 84.5% of a polymer identified as lot # 14780 -92 (50.3% S). On the next line the polymer is further identified as 90 parts BMA (butyl methacrylate) and 10 parts AA (acrylic acid). The 50.3%S designation means that the polymer sample contained 50.3% solids. Formula 2 further contained 2.5% diisopropyl adipate and 13.0% butyl acetate. Diisopropyl adipate is a plasticizer and butyl acetate is, of course, a solvent. Accordingly, the polymer used in the Formula 2 nail enamel composition of Example 2 *does* fit within Applicants' claimed range. The polymer contains 90 parts BMA and 10 parts AA, which fits within the polymer description and ranges of monomers as set forth in claim 1. The butyl acetate solvent present in the Formula 2 composition is anhydrous and falls within the 10-95% range specified in amended claim 1. No water is present in the Formula 2 composition. And, while the Formula 2 composition in the Declaration does not contain pigment, Applicants' independent claims 1, 17, 19, 28, 31, 33, and 35 do not contain this limitation either. Accordingly, Applicants are not sure of what the Examiner means by the statement "The Rule 131 affidavit does not teach a nail enamel composition having the applicant's range and ingredients as contrasted with the same ingredients that the Examiner relies upon to make the anticipatory rejection". It appears to Applicants that the anticipatory rejection relied upon by the Examiner is as follows:

Bednarek et al disclose a nail polish composition containing acrylic polymers. The composition comprises a solvent system having no more than 30% water, 0.1-30% of a pigment, a film forming acrylic binder prepared from methacrylic monomer, and styrene and which further contains adhesion promoting monomers. See abstract. Example 1 discloses titanium dioxide or red iron oxide pigment (pigment), 0.1-15% bentonite clay (suspending agent), 3-10%



dibutylphthalate plasticizer, butyl acetate solvent, and 40% acrylic polymer (20/70/10 wt. % butylmethacrylate-co-methacrylate-co-acrylic acid as set forth above.

Applicants point out that while Formula 2 of the Affidavit does not include pigment, their base claims 1, 17, 19, 28, 31, 33 and 35 do not either. Accordingly, it the Declaration under 37 C.F.R. §1.131 is proper and shows that Applicants were in possession of the invention prior the effective date of Bednarek.

Thus, it is Applicants' position that the rejection under both 35 U.S.C. §102(e) and 103(a) based on Bednarek should be withdrawn since Applicants have established that the 102(e) date of the reference was not before the invention date thereof by Applicants, and because Bednarek does not claim the same invention as is claimed by Applicants.

Further, with respect to claims 27-36, Applicants further note that the disclosure of Bednarek in the Example 1, referenced by the Examiner, specifically requires the presence of 40% acrylic polymer made up of butylmethacrylate-co-methacrylate-co-acrylic acid, with the monomers being present in a weight percentage of 20/70/10 wt. %. This differs from claims 27-36, which include, either explicitly or based on dependency, the closed language "consisting of". Thus, these claims limit the monomers that may be present in the copolymer material to butylmethacrylate, and a polar monomer selected from the group consisting of acrylic acid, methacrylic acid and mixtures thereof. Excluded from these claims is a copolymer including the additional "methacrylate" present in the embodiment of Example 1 of Bednarek. Similarly, these claims would also be fairly read to exclude the presence of "styrene" monomer, which is disclosed in the other examples of Bednarek and the anhydride monomer that is an essential component of Bednarek's polymer.

Thus, these claims are not anticipated by this reference, and applicants request that the Examiner reconsider the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) of these claims as being unpatentable over Bednarek either taken alone or in combination with Pagano.

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**The Rejection Over Chen**

Claims 1-8, 14-16, 21-23, and 33 are rejected under 35 U.S.C. §102(b) as anticipated by Chen, U.S. Patent No. 5,571,603. The Examiner states:

Chen et al discloses a quick drying aqueous nail polish. The nail polish contains water, 0.1-15% of a difunctional acrylated urethane oligomer, 2-20% of an alpha-beta-ethylenically unsaturated carboxylic acid containing 3 to 10 carbon atoms (acrylic acid or methacrylic acid), 8-75% of an acrylate ester, and 8-75% of a methacrylate ester (butyl methacrylate or methyl methacrylate). The Tg of the composition is 20 to 60 Celsius. The examples disclose the use of instant solvents and water (note that only a fraction of the solvent is removed). Chen et al disclose the use of plasticizers and coalescing solvents are utilized to modify the film forming characteristics of the nail polish and the amounts of each is "well known in the art". See Column 4, line 46 to Column 5, line 15. Example 1 discloses adding 8.1 grams (0.8% of triethyl citrate plasticizer).

Applicants respectfully disagree that Chen anticipates the pending amended claims. Chen teaches aqueous nail enamel compositions containing an acrylic resin crosslinked with difunctional acrylate urethane oligomers. The pending claims have been amended and are directed to anhydrous compositions. As the pending claims contain limitations not found in Chen, that reference cannot anticipate. Further, the crosslinked acrylic resin of Chen is not found in the structure for the film forming polymer as recited in Applicants' independent claims. One could not manipulate the structure in Applicants' claims to arrive at Chen's acrylic resin crosslinked with acrylated urethane oligomer. Thus, Chen does not teach the polymer of Applicants' claims. Accordingly, Chen does not anticipate the claims for at least those reasons.

The Examiner is respectfully requested to reconsider the rejection of claims 1-8, 14-16, 21-23, and 33-34 over Chen.

The Rejection Under 35 U.S.C. §103(a)

Claims 15-16 and 27-32 are rejected under 35 U.S.C. §103(a) as unpatentable over Bednarek.

Applicants note that they have further explained the Declaration under 37 C.F.R. §1.131, submitted with the prior response. The Declaration shows that Applicants' were in possession of the invention of the claims prior to the effective date of Bednarek. Further, Formula 2 in the Declaration shows a plasticizer (diisopropyl adipate), which is a further limitation of the claims.

The Examiner is respectfully requested to withdraw Bednarek as a reference.

Claims 17-29 and 35-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bednarek in view of Pagano. The Examiner contends:

Bednarek does not teach a nail kit. Pagano et al. disclose a nail composition containing butyl acetate, a copolymer with a polar monomer (acrylic acid) and a nonpolar ethylenically unsaturated monomer, pigments, a suspending agent (stearalkonium bentonite), silicone glycol copolymer, and a plasticizer (glyceryl tribenzoate) in instant amounts (Note examples). Monomer A (ethylenically unsaturated monomer) is in the amount of 30-95%, monomer B (acetoacetoxy moieties) in the amount of 5-50%, and a monomer C (acrylic acid) in the amount of 1-20%. Note column 5, lines 24-29. Further Pagano teaches an aqueous nail enamel composition (Note example 8). The kit contains the instant composition in container 1 with a cellulose polymer (nitrocellulose) and solvent in container 2. The cellulose film-former provides excellent wear characteristics and is applied as a basecoat and topcoat. The polymer composition is applied as the middle layer. See Column 9.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bednarek and Pagano to utilize a kit with a cellulose film former. One would be motivated to do so since Pagano teaches the cellulose film forming improves the wear characteristics of the nail polish.

Applicants' comments with respect to Bednarek are as above. Pagano teaches a nail enamel composition containing a terpolymer that is three separate monomers, one of which is

AAEMA. The pending amended claims are directed to a nail enamel composition containing copolymers of certain monomers as set forth in the claim, but specifically excluding AAEMA. Accordingly, it is not understood how it can be obvious to make Applicants' nail enamel compositions specifically excluding AAEMA in view of Pagano, which teaches that this monomer is essential. Further, Applicants draw the Examiner's attention to the comparative studies performed in the Declaration Under 37 C.F.R. §1.131 submitted in a prior response. In that Declaration, studies showing the superiority of the claimed nail enamel compositions over those of Pagano were submitted. The studies demonstrated that the nail enamel compositions of the invention are superior over those of Pagano in a variety of respects. Moreover, the technology of Applicants' claims is reflected in a very successful Revlon commercial product, Colorstay Always On Nail Enamel, that provides 10 days of wear. The product has won many awards, including an award from Allure magazine, where this product was named one of six breakthrough products at the end of 2003. The Allure beauty editors commented that the product "remained chip-free for 12 days, but also look shiny". A copy of the relevant article, MSNBC Home, Allure's Best of Beauty is enclosed. The excellent commercial success of the product further demonstrates the nonobviousness of the invention.

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Claims 9-13 and 24-26 are rejected under 35 U.S.C. §103(a) as unpatentable over Chen. The type of aqueous quick drying nail polish taught by Chen is described above. Chen's nail enamel compositions are aqueous based and contain considerable amounts of water. Even the title of Chen's patent states that the nail enamel compositions are "aqueous" so it cannot be said that such a teaching would suggest those compositions which are anhydrous, as set forth in Applicants' amended claims. Further, the crosslinked acrylic resin of Chen contains a

difunctional acrylated urethane oligomer,  $\alpha$ ,  $\beta$ -ethylenically unsaturated carboxylic acid monomer (which includes acrylic acid), an acrylate ester where the ester portion has 1-10 carbon atoms, and a methacrylate ester where the ester portion has 1-10 carbon atoms. In contrast, the polymer of Applicants' claims contains at least two monomers, one of which is a methacrylate ester and the other monomer containing a carboxylic acid group such as acrylic acid. Neither an acrylated urethane oligomer nor an acrylate ester can be formed from the structure for the polymer as set forth in Applicants' claims. Accordingly, it is not understood how Chen's aqueous based nail enamel containing polymers with monomers that are not even found in Applicants' claims can render the invention obvious. Further, Chen teaches that his nail enamel compositions are prepared by solution polymerization in the presence of at least one water miscible solvent. The monomers and solvent are combined, polymerization is initiated, and the resulting polymer composition is hydrated with water. The anhydrous nail enamel compositions of the invention are prepared by combining a pre-polymerized polymer and non-aqueous solvent to form the nail enamel. The gist of the Examiner's argument is that because Chen teaches aqueous based nail enamels containing cross linked acrylic resins it is obvious to make Applicants' non-aqueous nail enamel containing a polymer comprised of carboxylic acid and methacrylate ester monomers. There is simply nothing in Chen that teaches any advantage to be derived from eliminating water from the Chen compositions and using polymers that contain two specific types of monomers having the structures as depicted in the claims. Chen teaches compositions containing a polymer having all the different types of monomers mentioned: the acrylated urethane oligomer, acrylate, methacrylate, and carboxylic acid, and that each component is critical. Accordingly, the reference cannot suggest any advantage to be derived from eliminating the monomers Chen teaches are essential to arrive at the claimed composition.

The Examiner is respectfully requested to reconsider the rejection of claims 9-13 and 24-26 over Chen.

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Claims 10-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Hosotte-Filbert, U.S. Patent No. 5,681,877. The Examiner notes that Chen teaches a quick drying aqueous based nail enamel containing water, a difunctional urethane oligomer, an  $\alpha$ ,  $\beta$ -ethylenically unsaturated carboxylic acid containing 3-10 carbon atoms, an acrylate ester, and a methacrylate ester. The Examiner further contends that the glass transition temperature of the polymer ranges from 20 to 60, the examples disclose solvents and water, and plasticizers and coalescing solvents are used to modify the film forming characteristics of the nail enamel with amounts well known in the art. The Examiner notes that Chen does not disclose "the concentration of the additives". However, the Examiner contends that Hosotte-Filbert teaches the use of block copolymers (acrylic acid and methyl methacrylate) as dispersing agents of pigments in cosmetics, showing a nail varnish base containing 10-15% nitrocellulose, 8-12% filler resin, 6-8% plasticizer, 65-75% solvent, 0.8-1.5% suspending agent, and the pigment is added depending on desired color. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to look to the teachings of Hosotte-Filbert and utilize the instant amount of additives in Chen's nail varnish. One would be motivated to do so since Hosotte-Filbert teach a conventional nail varnish, the criticality lying in the dispersible pigments taught by the reference and not the conventional nail varnish base utilized; therefore one would expect similar results utilizing a similar nail varnish base since as demonstrated by the prior art, the concentration of the additives in nail composition are well known to those skilled in the art.

Applicants respectfully disagree. As discussed above, Chen teaches aqueous based nail enamel compositions containing acrylic resins crosslinked with difunctional acrylated urethane oligomers which are used in nail polish compositions. These resin are not taught or suggested by Applicants' disclosure. There is nothing in Chen that teaches or suggests any advantage to be derived from modifying the Chen resins and making the composition anhydrous to arrive at Applicants' anhydrous nail enamel compositions and kits containing a very specific polymer and and solvents.

The Examiner is respectfully requested to reconsider the rejection of the claims under 35 U.S.C. §102 and 103.

Respectfully Submitted,



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## Products for eyes, hair, lips and skin to make look good

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Updated: 2:05 a.m. ET Sept.23, 2003

Sept. 23 - In it's 8th annual issue the editors at Allure tried thousands of beauty products only to narrow it down to 164 of the best of the best in various categories like eyes, hair, lips and skin care. Linda Wells, editor-in-chief of Allure, gives the best of the best.

## BREAKTHROUGHS advertisement

*Cover Girl  
Multiplying  
Mascara*

Why it's a winner: It's nearly impossible to clump, and makes sparse lashes look full.

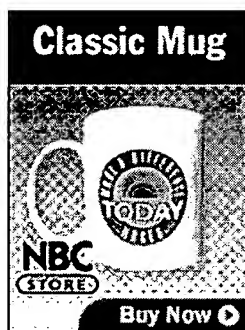




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How it works: Cover Girl created a formula that, for the first time, sticks to lashes without sticking to itself, so every individual lash is enhanced. The formula contains fewer of the sticky polymers used in most mascaras, and more liquid crystal polymers (the same type found in high performance products like tennis rackets and bullet proof vests). It is a slicker, less gloppy application.

**Cost: \$5.50***Revlon ColorStay Always On Nail Enamel*

Why it's a winner: Unlike polishes that promise a week of chip-free color and last half that long, this formula looks freshly painted for 10 days. We tested the red and went about our business typing, washing dishes, digging for keys in our bags. The color not only remained chip-free for 12 days, but it also looked shiny.

How it works: Revlon researchers were inspired by the way car paint bonds to. Rather than the usual mixture of pigment with large amounts of nitrocellulose, a hardening ingredient that breaks down under heat and sunlight, this one relies on a flexible and crack-resistant acrylic polymer that bonds to the keratin of the nail (which is why you can't use basecoat with this polish). The accompanying topcoat contains dimethicone copolyol to prevent the formation of microscopic cracks that make a manicure look dull over time.

**Cost: \$5.99***L'Oréal Colour Experte hair color*

Why it's a winner: It does what no previous home hair color has achieved- double-process dying. One solution lightens or darkens the base color in 25 minutes; the other highlights sections that you choose. Hair looks like it was professionally colored at the salon.

How it works: It took L'Oreal over a decade to calibrate the formula to prevent the highlighter from destroying the base color. To protect hair from the peroxide in the highlighter, cationic polymers in the base shade bond to each strand and remain there after the solution has been rinsed out. The highlights are applied afterwards using a beefed-up mascara wand, leaving hair with subtle highlights instead of the skunky stripes most other kits' tools give. An instruction guide to applying highlights, with diagrams, is included.

**Price: \$21.95**

## EDITOR PICKS

### *L'Oréal Endless 8-Hour Comfortable Lipcolour*

Why it's a winner: Lasts up to eight hours without feeling dry on lips. A one-step process, just swipe on lipstick, as opposed to the other effective long-wearing lipsticks on the market, which have a second glossing step that must be repeated throughout the day.

We tested the lipstick by eating greasy stif-fry in our cafeteria, drinking endless cups of tea and coffee, licking our lips constantly, and trying to wipe the color off on a napkin after each. It didn't

budge.

How it works: Most long-wearing lipsticks get their stick from volatile silicones, ingredients that create a film over lips and the color applied.

These silicones, while providing great stick power, are also prone to evaporation, taking with them moisture in the lips—leaving lips feeling dry and tight.

The new L'Oreal lipstick uses Isododecane, a volatile silicone which evaporates more slowly than traditional ones, leaving time for conditioners in the formula to penetrate lips. It also contains regular silicones and oils to enhance shine, so color doesn't look dry and cakey, even after it's been on lips for hours.

**Cost: comes in 24 shades. \$9.75 each. in drugstores and chainstores**

(Our favorite shade: Fired Up, a deep red)

### *Prescriptives Dermapolish*

Why it's a winner: Gives skin the same kind of radiance, reduction in lines, and even tone achieved by in-office microdermabrasion treatments (which can cost \$50 to \$250 a session), with less irritation and redness. Especially good for those with broken capillaries, which are easily aggravated by the intense crystal spray and vacuum suction of microdermabrasion.

How it works: It's a three-step system. First, you scrub face with a buffer containing the same

aluminum oxide crystals as are in microdermabrasion. Then, you mist skin with an aloe spray to soothe. Finally, you apply a layer of shea butter-based cream to seal in moisture and further soothe skin.

**Cost: \$125; gloss.com**

*Thermasilk Moisture Infusing Shampoo and Conditioner*

Why it's a winner: Masks sun, chemical, and heat-stylist abuse by sealing a smooth coating over bedraggled cuticles, making hair look shiny and healthy, and feel soft instead of crackly. Hairstylists to our staff commented on how silky and shiny our ordinarily straw-like hair had become after using the products.

How it works: Contains heat-activated conditioners that, when heat from a blow-dryer or flat iron are applied, forms a shiny seal over strands, protecting the hair's cuticle and inner cortex from the heat and providing a temporary gloss.

**Cost: \$3.87. in drugstores and chain stores**

## **REPEAT WINNERS**

*Chanel No 5*

**8 time winner, Readers' Choice**

Characterized as a "sparkling, modern blend of jasmine" also contains, rose, patchouli, and iris. (Called an aldehydic floral, meaning it contains floral scents that are soft, powdery, and

synthetic.) Launched in 1921 and was initially shocking to women-not the traditional floral scent they were used to. Coco asked great perfumer Ernest Beaux to create a fragrance that reflected her very modern fashion philosophy.

**Cost: \$95 for .25 oz**

*Pantene Pro-V Conditioner*

**8 time winner, Readers' Choice**

The key ingredients are Panthenol and Panthenyl ethyl ether, the Pro-V's in the name, that penetrate into the hair's cortex to help moisturize and strengthen hair. Cetyl alcohol, a fatty alcohol, also moisturizes the hair shaft, cutting frizz. Also contains silicones that fill in gaps in the cuticle so hair looks smooth and shiny, and serve to also protect the cuticle from further lifting up and becoming damaged.

**Cost: \$3.99**

*Neutrogena Healthy Skin Anti-Wrinkle Cream SPF 15*

**4 time winner, Readers' Choice/3 time Editors' pick**

Offers both corrective and preventative treatment for fine lines, wrinkles, sun spots, and sagging skin. Retinol (vitamin A in purest form) works to exfoliate and promote cell turnover, removing age spots and the appearance of fine lines. Pro-vitamin B5 causes skin to retain water, preventing the water loss that leads to dryness

and an exaggeration of lines. Contains SPF15 (UVA/UVB) to protect skin from the sun, as retinal use makes skin more sensitive. Oil-free.

**Cost: \$12.99**

*Article courtesy of Allure magazine.*

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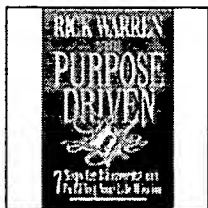
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- Arafat replaces cousin
- Iraq car bomb kills at least 9
- CIA: New intel job not needed
- Fire evacuation orders renewed
- 'Showtime' for Kerry before DNC

#### EDITOR'S CHOICE

- How we became an 'iPod nation'
- Better year for theme parks
- Food facts and falsehoods
- The Week in Pictures
- Democratic Convention FAQ

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